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**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/094,052	06/09/98	JONES	P 47513

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BOSTON MA 02109

MM11/0105

EXAMINER

NGUYEN, T

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 01/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/094,052

Applicant(s)

Peter W.J. Jones

Examiner

Thong Q. Nguyen

Group Art Unit

2872

☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jun 9, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Oath/Declaration***

The Verified Statement (Declaration) Claiming Small Entity Status is objected to because non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### ***Drawings***

1. This application has been filed with drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Note the comments of the Office draftsman on the attached form PTO-948.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature concerning the field goggles as recited in claims 4, 5 and 9 must be shown or the feature canceled from the claims. No new matter should be entered.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature concerning the structures of the vanes as recited in claim must be shown or the feature canceled from the claim. No new matter should be entered. In particular, the drawings do not show a plurality of vanes, each of the vanes has a first end and a second end wherein the first ends of the vanes have both the structures

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as follow: The first ends are positioned closer together and the first ends are positioned further apart from each other as recited in claim 6/1.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In particular, the numerical reference "12" as stated in the specification at page 2 (line 24) is not shown in at least one figure. Correction is required.

#### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Suggestion***

The following correction is suggested to claim 2.

In claim 2: on line 1, "a" should be changed to --an--.

#### ***Claim Rejections - 35 USC § 112***

1. Claim 6/1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 6/1 is rejected under 35 USC 112, first paragraph because the specification does not disclose an optical apparatus having a plurality of vanes, each has a first end and a second end wherein the first ends of the vanes satisfy both the following structures: First, the first ends are

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positioned closed to each other, and Second, the first ends are positioned further apart from each other as recited in the claim. Applicant should note that the specification disclose two embodiments of the inventive apparatus in which in the first embodiment, the first ends of the vanes are positioned closer to each other (see pages 5-6 and fig. 12, for example), and in the second embodiment, the first ends of the vanes are positioned further apart from each other (see specification at page 6 and fig. 14, for example).

2. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 2 is rejected under 35 USC 112, second paragraph because the recitation thereof “said surface is a (an?) Optical lens” (line 1). Is indefinite. It is not understood how applicant can compare a surface to an optical lens. Applicant should note that the specification teaches that the surface used in the apparatus claimed is a surface of an optical lens.

b) Claim 3 is rejected for the similar reason as set forth in element a) above.

c) Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are mechanism or mechanical components used to mount the apparatus to a field goggle. In other words, what kind of structure can be drawn from the so-called “configuration”?

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d) The remaining claim is dependent upon the rejected base claim and thus inherits the deficiencies thereof.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones.

Jones discloses an apparatus for use with an optical device having an objective lens group such as a binocular device, a telescope, a periscope wherein the apparatus comprises a set of concentric circular vanes for the purpose of reducing the reflection of light incident on the lens surface of the objective lens group wherein each vane has a first end disposed near the lens, and a second end disposed away from the first end. While Jones does not clearly state the apparatus is mounted on a field goggle; however, such a feature is inherent from the Jones' teaching because at column 1 he states that the apparatus can be used by a battlefield troop in a night time. See Jones, columns 1 and 3-4 and figs. 1 and 8-9, for example.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-9, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Softly.

Jones discloses an apparatus for use with an optical device having an objective lens group such as a binocular device, a telescope, a periscope wherein the apparatus comprises a set of concentric circular vanes for the purpose of reducing the reflection of light incident on the lens surface of the objective lens group wherein each vane has a first end disposed near the lens, and a second end disposed away from the first end. It is also noted that a combination of concentric circular vanes and radial vanes is disclosed by Jones as can be seen at column 5 and shown in fig. 9. While Jones does not clearly state the apparatus is mounted on a field goggle; however, such a feature is inherent from the Jones' teaching because at column 1 he states that the apparatus can be used by a battlefield troop in a night time. See Jones, columns 1 and 3-4 and figs. 1 and 8-9, for example. The only feature missing from the Jones reference is that he does not teach that the first ends of the concentric circular vanes are positioned closer to each other with respect to the second ends of the vanes; however, such a structure of vanes is disclosed in the art as can be seen in the optical apparatus provided by Softly. In particular, in the system having a monitor screen (11), a camera (32) which as understood is an optical device having an objective lens, and an apparatus comprising a plurality of vanes/slats (21), each has a first end and a second end wherein the ends of the apparatus facing the camera are positioned closer to each other with respect to the



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ends facing the monitor screen. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the optical apparatus having a plurality of concentric circular vanes in combination with radial vanes as provided by Jones by rearranging the ends facing the lens surface of an optical lens of the vanes closer to each other with respect to the opposite ends of the vanes as suggested by Softly for the purpose of increasing the reduction of reflected light.

### *Conclusion*

1. The additional references are cited as of interest in that each discloses the use of a plurality of vanes in front of an optical element for the purpose of reducing reflected light or glare. It is also noted that in the Patent No. 5,210,645, the arrangement of the vanes in which the ends of the vanes are positioned closer to each other with respect to the opposite ends of the vanes is suggested. Furthermore, such an arrangement can be made for both two ends of the vane. See column 8 and figs. 20-22.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exam. Nguyen whose telephone number is (703) 308-4814. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 (or 7724).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

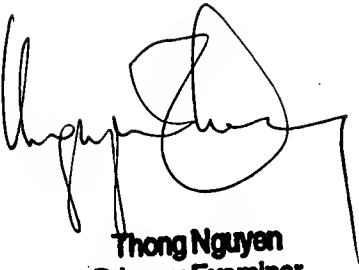
Nguyen

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12/23/98



**Thong Nguyen**  
Primary Examiner